

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 7303**

**BILL NUMBER:** HB 1206

**NOTE PREPARED:** Jan 8, 2004

**BILL AMENDED:**

**SUBJECT:** Child Endangerment in a Motor Vehicle.

**FIRST AUTHOR:** Rep. Cheney

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. It provides that a person who leaves a child less than 7 years of age unattended or with a child less than 12 years of age in a vehicle for more than 10 minutes commits child endangerment in a motor vehicle, a Class A misdemeanor.
- B. It increases the penalty if a violation results in bodily injury or for subsequent offenses.
- C. It makes conforming changes so that a person convicted of this crime faces the same consequences as a person convicted of neglect of a dependent.
- D. It requires a prosecuting attorney to offer a person who has not been previously charged with child endangerment in a motor vehicle and is charged with the offense as a Class A misdemeanor to participate in a court-approved pretrial diversion program consisting of parenting classes and counseling.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:** Under the bill, knowingly or intentionally leaving a child under 7 years old unattended or with another individual who is less than 12 years old in a motor vehicle for more than 10 minutes would be child endangerment in a motor vehicle, a Class A misdemeanor.

*Enhanced Sentence:* The offense could be increased to a Class D felony if the offender has a prior unrelated conviction for the same offense, or the offense resulted in serious bodily injury. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult

offender was \$26,825 in FY 2002. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000, and the maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

*Pretrial Diversion Program:* To the extent that the prosecuting attorney must offer a person (who is charged with Class A misdemeanor child endangerment in a motor vehicle and who does not have a previous charge for the same offense) a pretrial diversion program that consists of parenting classes and counseling, fewer offenders may be convicted of this offense.

**Explanation of Local Expenditures:** A Class A misdemeanor is punishable by up to one year in jail, and defendants may be detained in county jail prior to their court hearings for the Class D felony. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement.

**Information Sources:** Indiana Sheriffs' Association, Department of Correction.

**Fiscal Analyst:** Karen Firestone, 317-234-2106.